

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MINNESOTA

PRESTON BYRON KNAPP

Plaintiff,

vs.

WINGS CREDIT UNION;
AKA WINGS FINANCIAL CREDIT UNION.

Defendants.

Cause No: 0:24-cv-00434-DWF-ECW

MOTION FOR LEAVE TO AMEND PLAINTIFF'S COMPLAINT FOR DAMAGES

COMES NOW Plaintiff Preston Byron Knapp, and pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, respectfully moves this Honorable Court for leave to file an Amended Complaint for Damages. In support of this motion, Plaintiff states as follows:

1. Background:

- Plaintiff filed the original Complaint in this action on February 7, 2024.
- The proposed Amended Complaint includes new allegations and claims that have arisen based on additional facts and circumstances that have come to light since the filing of the original Complaint.

2. Proposed Amendments:

- The Amended Complaint seeks to add new factual allegations and legal claims against Defendant, as outlined in the Proposed Amended Complaint attached hereto as ***Exhibit A***.
- Specifically, the amendments address issues related to peonage, breach of contract, breach of fiduciary duties, money had and received, fraud, unlawful conversion, and unjust enrichment as more fully detailed in the attached Amended Complaint.

3. Legal Standard:

- Rule 15(a) of the Federal Rules of Civil Procedure states that leave to amend “shall be freely given when justice so requires.”

- Courts have interpreted this rule to allow amendments unless there is a showing of undue delay, bad faith, dilatory motive, repeated failure to cure deficiencies by amendments previously allowed undue prejudice to the opposing party, or futility of the amendment.

4. Justification for Amendment:

- Plaintiff seeks to amend the Complaint to accurately reflect the current state of the case and ensure all pertinent facts and claims are presented before the Court.
- Allowing this amendment will serve the interests of justice by enabling the Plaintiff to fully articulate the basis of his claims against the Defendant.
- Defendant will not be unduly prejudiced by this amendment as it arises from the same transactions and occurrences set forth in the original Complaint.

5. Supporting Case Law:

- *Buder v. Merrill Lynch, Pierce, Fenner & Smith, Inc.*, 644 F.2d 690 (8th Cir. 1981): In *Buder*, the Eighth Circuit emphasized that delay alone is an insufficient reason to deny leave to amend if there is no significant prejudice to the defendant. The court held that amendments should be freely granted in the interest of justice unless there is a compelling reason to deny the motion, such as undue prejudice or bad faith.
- *Sanders v. Clemco Indus.*, 823 F.2d 214 (8th Cir. 1987): The Sanders case highlighted that the burden of proving significant prejudice falls on the party opposing the amendment. The court stated that substantial prejudice must be demonstrated to justify denial of a motion for leave to amend. This aligns with the principle that amendments should be permitted to ensure that cases are decided on their merits rather than procedural technicalities.

6. Conclusion:

- Plaintiff has acted diligently and in good faith in seeking this amendment.
- The proposed amendments are necessary to present the full scope of Plaintiff's claims and ensure a fair and complete adjudication of the matters in dispute.

WHEREFORE, Plaintiff respectfully requests that this Court grant Plaintiff leave to file the attached

Amended Complaint for Damages and for any further relief this Court deems just and proper.

Dated: June 14th, 2024

RESPECTFULLY SUBMITTED,

BY: /s/ Preston Byron Knapp
Preston Byron Knapp
Plaintiff, Pro Se
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(262) 496-8083

CERTIFICATE OF SERVICE

I hereby certify that on June 14th, 2024, a copy of the foregoing *Motion for Leave to Amend Complaint for Damages and Demand for Jury Trial* was filed with the Clerk of this Court as is required by Pro Se litigants. Plaintiff further certifies that this Motion was served on all attorneys of record by ECF.

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